

FILED
08 OCT 22 AM 10:42
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

TODD F. NOVAK,

Defendant.

) I N F O R M A T I O N

) **1:08 CR**

439

)

) CR. NO. _____

)

Title 29, Section 501(c)

)

United States Code

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)

JUDGE ECONOMUS

The United States Attorney charges:

1. At all times relevant to this Information, the Brotherhood of Locomotive Engineers and Trainmen ("BLET"), Division 3 (the "union"), located in Cleveland, Ohio, was a labor organization engaged in an industry affecting commerce, within the meaning of Sections 402(i) and (j) of Title 29, United States Code.

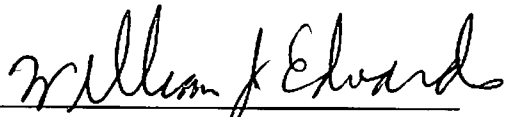
2. At all relevant times to this Information, the defendant, TODD F. NOVAK was the Secretary-Treasurer of BLET Division 3. In that position, he was entrusted with the responsibility for maintaining the integrity of the funds belonging to the union.

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3. During the time period stated below, the defendant mis-used his position as Secretary-Treasurer of BLET Division 3 to obtain assets of the union to which he was not entitled through various devices, including: issuing union checks payable to himself and making one cash withdrawal from the local union bank account, without authorization; depositing or negotiating the checks and using the funds for personal purposes; falsely recording the payments as expenses in the memo section of some of the checks and making no record of the purpose of the expenditures on other checks; and failing to keep receipts for union checks payable to him. In addition, the defendant further concealed his wrongful taking of the funds by preparing, signing, and causing to be submitted to the U.S. Department of Labor, the union's required annual reports (Form LM-3 Labor Organization Annual Report) for the years 2002 through 2005, in which he listed (in item 24) amounts paid to him that were substantially less than the total amount of union funds he received.

4. From on or about January 1, 2002, through on or about December 22, 2006, in the Northern District of Ohio, Eastern Division, the defendant, TODD F. NOVAK, while an officer, that is, Secretary-Treasurer of BLET Division 3, did embezzle, steal and unlawfully and willfully abstract and convert to his own use and the use of another the moneys, funds, and assets of said labor organization in the approximate amount of \$47,780.89.

In violation of Title 29, United States Code, Section 501(c).


WILLIAM J. EDWARDS
United States Attorney